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## CITY OF EMERYVILLE

### ACTION MINUTES

#### City Council

Members:

Mayor Ally Medina  
Vice Mayor Christian R. Patz  
Council Member John J. Bauters  
Council Member Scott Donahue  
Council Member Dianne Martinez

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Tuesday, March 5, 2019

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 7:25 p.m.

#### 2. ROLL CALL

**Present:** 5 - Mayor Ally Medina  
Vice Mayor Christian R. Patz  
Council Member John J. Bauters  
Council Member Scott Donahue  
Council Member Dianne Martinez

#### 3. APPROVAL OF FINAL AGENDA

A motion was made by Council Member Martinez, seconded by Council Member Donahue, to approve the Final Agenda. The motion carried by the following vote:

**Ayes:** 5 - Mayor Ally Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

#### 4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

#### 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

There was no announcement made.

#### 6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez reported that East Bay Community Energy had saved Alameda County customers \$3M in first 6 months of the fiscal year, and provided EBCE contact information for billing questions. She also explained the purpose and goals of Stop Waste, and some of its upcoming initiatives. Council Member Bauters reported on a recently posted Caltrans Notice of Intent to perform

construction on the MacArthur maze, stating that the impacts it would have on Emeryville street traffic would be immense. He also gave an update on a recent monetary judgement the County has received meant to support efforts toward lead poisoning abatement, stating that the funding had a deadline for use and that certification trainings need to be added so the work can be accomplished in time. He concluded by reporting that the Air District was planning its budget, and that Alameda County contributed more than its share toward funding. Vice Mayor Patz expressed appreciation to staff for the recent well-attended Community Services Committee meeting. Mayor Medina reported that the Alameda County Mayors' Conference was looking into amending terms of service of its regional appointments for cities with rotating one-year mayorships.

## 7. CITY MANAGER'S REPORT

There was no report given.

## 8. EX PARTE COMMUNICATIONS

Council Member Bauters and Mayor Medina each reported on having met with members of the cannabis business community regarding Item 12. 2.

## 9. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA

There were no comments made.

## 10. CONSENT ITEMS

### *Approval of the Consent Agenda*

**A motion was made by Council Member Martinez, seconded by Council Member Donahue, to approve the Consent Agenda. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Ally Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

### 10.1. [ID-2019-070](#) Warrants. (Susan Hsieh)

**Attachments:** [Staff Report](#)  
[Wire Transfers](#)  
[Check Register](#)

**A motion was made to accept this Informational Report.**

### 10.2. [ID-2019-048](#) Action Minutes of the February 5, 2019 Emeryville City Council Special Closed Session. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.3.**    [ID-2019-049](#)    Action Minutes of the February 5, 2019 Emeryville City Council Special Study Session. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.4.**    [ID-2019-046](#)    Action Minutes of the February 5, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.5.**    [ID-2019-067](#)    Action Minutes of the February 19, 2019 Emeryville City Council Special Closed Session. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

- 10.6.**    [ID-2019-065](#)    Action Minutes of the February 19, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

**Attachments:** [Action Minutes](#)

**A motion was made to approve the Minutes.**

## **11. PUBLIC HEARINGS**

There were no Public Hearings listed.

## **12. ACTION ITEMS**

- 12.1.**    [ID-2019-061](#)    Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 24 Of Title 5 Of The Emeryville Municipal Code, "Parks"; CEQA Determination Exempt Pursuant to CEQA Guideline 15061(b)(3). (Pedro Jimenez)

**Attachments:** [Staff Report](#)

[Draft Ordinance](#)

Community Services Director Pedro Jimenez gave the staff presentation and responded to Council Member questions.

**A motion was made by Council Member Bauters, seconded by Council Member Donahue, to read the Ordinance by title only. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Ally Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

**A motion was made by Vice Mayor Patz, seconded by Council Member Martinez, to approve the first reading and introduction of this Ordinance, as amended. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Ally Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

- 12.2.** [ID-2019-054](#) Introduction And First Reading Of An Ordinance To Repeal Section 5-28.10(d) Of The Emeryville Municipal Code, "Cannabis"; CEQA Determination Exempt Pursuant to CEQA Guideline 15061(b)(3). (Michael Guina / Andrea Visveshwara)

**Attachments:** [Staff Report](#)

[Draft Ordinance](#)

City Attorney Guina gave the staff presentation and responded to Council Member questions.

**PUBLIC COMMENT:**

Nasser Azimi, East Bay Therapeutics, spoke in support of the amendment.

**A motion was made by Vice Mayor Patz, seconded by Council Member Martinez, to read the Ordinance by title only. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Ally Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

**A motion was made by Council Member Bauters, seconded by Council Member Martinez, to approve the first reading and introduction of the Ordinance. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Ally Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

- 12.3.** [ID-2019-059](#) Development Bonus System Discussion. (Charles S. Bryant)

**Attachments:** [Staff Report](#)

[Development Bonus System](#)

Community Development Director Charles Bryant gave a brief presentation to open up the Council discussion.

**PUBLIC COMMENT**

1. Jordan Wax spoke regarding development in Emeryville, and the current bonus system. He supported taking advantage of local assets

such as proximity to regional transit.

Council discussion ensued, and staff was directed to bring the matter back to Council for a study session at a future meeting, to include a discussion regarding Project Labor Agreements.

- 12.4.** [ID-2019-060](#) Discussion Of Eliminating Minimum Parking Requirement. (Charles S. Bryant)

**Attachments:** [Staff Report](#)  
[Parking and Loading Regulations](#)

Director Bryant gave a brief report before Council discussion ensued.

**PUBLIC COMMENT:**

1. Andre Carpiaux spoke regarding parking requirements.

**A motion was made by Mayor Medina, seconded by Council Member Bauters, to refer this item to the Planning Commission for Public Hearing. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Ally Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

**13. DEPARTMENT HEAD REPORTS**

- 13.1.** [ID-2019-056](#) Planning Director's report on Planning Commission actions at the February 28, 2019 meeting:

- (a) General Plan Annual Progress Report. Review of the annual progress report on implementation of the General Plan, including the Housing Element, in Calendar Year 2018, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development. \*
- (b) Emeryville Center for the Arts. Study session on an adaptive reuse proposal that will involve renovation of an existing, 30,000 square foot vacant building at 4060 Hollis Street to accommodate an arts and cultural center.
- (c) Duplex Conversion. Study session on a proposal to modify an existing single unit building at 1291 55th Street into two units.

\* Tentatively scheduled for consideration by the City Council on March 19, 2019.

The packet for the February 28, 2019 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?>

[AMID=43&Type=Recent>](#)

#### **14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS**

Mayor Medina, referring to the previous discussion at the legislative priorities special meeting, requested that a separate discussion of AB 147 (Burke) Use Taxes: collection, be brought forward on a future agenda

Council Member Donahue requested a future discussion on the potential for adding a new category of high rise to the Building Code. It was agreed that staff would plan an informational meeting with the Council Member to discuss feasibility.

#### **15. ADJOURNMENT**

The meeting adjourned at 8:23 p.m.

**I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council.**

**/Sheri Hartz/**

**Sheri Hartz, City Clerk**